

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES E. PALMER, PATRICIA J. COLEMAN,
JEFFREY A. HERMAN, ELI COCHRAN and
JOHN R. POWERS III

Appeal No. 96-2275
Application 08/010,063¹

ON BRIEF

Before THOMAS, HAIRSTON and TORCZON, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed January 27, 1993.

Appellants have appealed to the Board from the examiner's final rejection of claims 1 to 15, 17, 19, 29 to 43, 45, 47, 59 and 60. Appellants have cancelled claims 16, 18, 44 and 46. The examiner has objected to claims 20 to 28 and 48 to 58 as depending from rejected base claims.

Representative claim 1 is reproduced below:

1. In a computer display system having a central processing unit (CPU) coupled to a display such that data is displayed on said display in windows, a method for instructing a user on how to perform operations using said CPU, the method comprising the steps of:

said CPU generating and displaying an access window;

said CPU generating and displaying within said access window a first working area for displaying headings that correspond to sets of operations;

said CPU generating and displaying within said access window a second working area for displaying phrases that correspond to operations;

said CPU generating and displaying within said access window at least one access function for selection by said user;

said user selecting said access function using selection means coupled to said CPU;

said CPU displaying a plurality of headings in said first working area, wherein each heading of said plurality of headings corresponds to a set of operations;

said user selecting one of said headings in said first working area, said selected heading corresponding to a particular set of operations;

said CPU displaying a plurality of phrases in said second working area responsive to said user selecting said one of said

headings, wherein each of said plurality of phrases corresponds to an operation in said particular set of operations;

said user selecting one of said displayed phrases using said selection means;

said CPU displaying at least one presentation window that contains instruction data related to said selected phrase on said display in response to said user selecting said one of said displayed phrases, said instruction data indicating how to perform the operation that corresponds to said selected phrase.

The following reference is relied on by the examiner:

WORDPERFECT for Windows v. 5.1, **WordPerfect Corp.**, screen pp. 1-28 (1992).²

Claims 1, 2, 29, 30, 59 and 60 stand rejected under 35 U.S.C. § 102(a) as being anticipated by WORDPERFECT. All remaining claims on appeal, claims 3 to 15, 17, 19, 31 to 43, 45

² The examiner and appellants utilized the examiner's notation of screen pages in this reference to identify the pages referred to in the rejection. These are located at approximately the middle of each separate page of the reference. However, the bottom of each page shows a sequential numbering of pages from 28 to 55, which indicate to us that all of the pages come from a single prior art reference. Inasmuch as there appeared to be three different substantive sub-topics in this single reference, they comprise the File Manager for Windows, the WORDPERFECT version for Windows and the Program Manager for Windows. Respective screen pages 20 and 28 indicate the publishing date as being in 1992 as noted by the examiner. Inasmuch as the examiner's screen pages or the page numbers identified at the bottom of this reference indicate that it came from a single reference, we properly consider it as a single reference within 35 U.S.C. § 102 in accordance with the first rejection set forth by the examiner. Appellants have not challenged the nature of this reference.

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and 47, stand rejected under 35 U.S.C. § 103 as being obvious over WORDPERFECT alone.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

Since we agree with the examiner's conclusion as to the anticipation of claims 1, 2, 29, 30 and 59, we will sustain this rejection as well as all of the remaining claims on appeal rejected under 35 U.S.C. § 103 for the reasons stated below. We do not, however, sustain the rejection of independent claim 60 under 35 U.S.C. § 102.

The more substantive view of the examiner applying the teachings and showings in WORDPERFECT to the claims on appeal is found in the responsive arguments portion of the answer beginning at page 10 as they directly relate to the separately identified categories or groups of the claims argued by appellants traversing the rejection in the brief. Appellants provided no rebuttal. Inasmuch as the examiner has treated each of those arguments laid out by appellants in detail and we fully agree with them, we will sustain the rejection for the reasons set forth in the examiner's answer as a whole.

To amplify the examiner's position, we note that independent method claim 1 and its corresponding structure claim 29 indicate generally that there is a generating and displaying in an access window of "at least one access function". Note the fourth listed clause in the body of claim 1 and the first listed clause in the body of claim 29. In the second listed clause in the body of claim 29, the relationship of displaying headings in a first working area occurs "upon selection of said access function." Inasmuch as there is only one access function selected in this claim, the reasoning of the examiner applying the respective "file manager", "open file", "help function", and "end of search" window functions respectively noted at the bottom of page 10 of the answer to the partitioned access window in this claim are clearly applicable. Additionally, since there is no claimed nexus of the displaying operation of the headings in the sixth recited clause in the body of independent method claim 1, by means of the selection of the access function in the fifth clause of claim 1, the applicability of the teachings of WORDPERFECT to this claim is even clearer and stronger.

The correlation of the teachings and showings of WORDPERFECT to the features of independent claims 1 and 29 on appeal as it begins at the bottom of page 10 of the answer indicates to us

that there is at least one identifiable access window associated with at least one function by some name where the access window has at least two portions or regions therein which broadly relate information in the hierarchy of displaying initially headings that correspond to a set of operations and then phrases that correspond to a particular set of operations in the manner claimed.

The recited presentation window at the end of claims 1 and 29 on appeal is not recited in these claims to be a part of the same access window, but clearly based on the disclosure the presentation window is a separate successively presented window to the user. For example, the showings at screen pages 17 to 19 indicate a sequential showing of first two indicia categories displayed in two regions of the screen in representative screen page 18 with a subsequent excitation of the "help index" depicted at the bottom of screen page 18 displayed in detail, one selected by the user, in a separately identified "presentation screen" at succeeding screen page 19. Other "go to" categories exist as depicted at screen page 18. It is clear that the examiner is correct that such succeeding presentation page, when activated by the users' selection at the bottom of screen page 18, would indicate to the user an instruction as to how to do certain

operations as claimed. Additionally, the "how to" category depicted at screen pages 7 and 8 are further selectable by the user and are self-explanatory so that they would explain to the user how to perform various operations. Note also screen pages 11 through 14 which indicate further "how to" separate screens that may be selectable by the user.

Appellants' "Group II" arguments are adequately addressed by the examiner at the middle of page 12 of the answer. The bottom of page 12 of the answer indicates the examiner's responsive arguments to the appellants' claimed Group III arguments relating to claim 8, which relates to an "index access function". We are in agreement with the examiner's observation that there are many "visual cues" in both the "file manager" and "search" window portions of the document relied upon that indicate a respective "index access function". Certainly, the title bars are one indicia of what the user may regard as an "index." For example, the file manager views in the early portions of the document visually may be perceived by the user as indexing to the user "drives", indexed alphabetically. This first region to the particular selected one shown in the middle of the page of screen page 2, for example, indicates in this region the names of various subdirectories and files therein in the third portion,

etc. The presentation window associated with all of this is depicted at screen page 4 when the rightmost category "small talk" has within it another sub-category of "company.st" which is further depicted at the bottom of this screen shown at screen page 4. Separately, we note that the program manager help index depicted on screen page 24 has laid over it a glossary page depicted at screen page 27. Thus, contrary to appellants' arguments there are a plurality of what the user may consider as index functions.

As to the appellants' claim Group IV, such as claim 9, the examiner's position at page 13 of the answer is persuasive. The claimed scroll bar appears to be depicted in the two leftmost

sub-windows at screen page 4 with, as noted by the examiner, the use of the icon representing a human hand with a finger extended as a pointer as the claimed "slider", with both the scroll bar and slider vertically slidable to index individually the alphabetically organized categories and sub-categories of information in the respective sub-windows. Additionally, the use of the scroll bars, separately actuatable by the use of the cursor actuated by a mouse in a conventional manner, would

correlate to the claimed scroll bars and slider means respectively.

As indicated earlier we reverse the rejection of independent method claim 60. In contrast to independent claims 1 and 29 on appeal, independent claim 60 recites the showing on a single access window of three access window functions in clause B, whereas these other two independent claims recite only at least one access function. Furthermore, independent claim 60 in respective clauses C, D and E further requires the performance of certain distinct enumerated steps upon the selection of each of the respective three access functions selected by the user, whereas the subject matter of independent claims 1 and 29 and their respective dependent claims as grouped by appellants recite only one access function by name as an alternative, but not all together. Although we disagree with appellants' assertion at the bottom of page 13 of the brief that WORDPERFECT does not suggest the "individual help mechanisms," for the reasons stated, we do agree with the additional assertion that Wordperfect does not show "a single window that contains all three search mechanisms." The subject matter of this claim corresponds to appellants' Figure 3 of the disclosed invention, which presents it in its

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most generic or comprehensive form showing the three access functions 135, 138 and 140.

Inasmuch as this decision is consistent with appellants' grouping of the claims and arguments and the fact that the examiner has separately reasoned the rejection for each and every claim on appeal, we respectively sustain the rejection of respective claims 1 to 15, 17, 19, 29 to 43, 45, 47 and 59 under 35 U.S.C. §§ 102 and 103. However, we have not sustained the rejection of claim 60 under 35 U.S.C. § 102.

Accordingly, the decision of the examiner is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

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